

PATENT
Serial No. 10/023,167
Amendment in Reply to Final Office Action of September 9, 2005

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

By means of the present amendment, the specification has been amended for better conformance to U.S. practice.

In the Final Office Action, the Examiner indicated that claims 8 and 11 are allowed. Applicants gratefully acknowledge the indication that claims 8 and 11 are allowed.

In the Final Office Action, claim 1-6 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 0 549 182 A2 (Cline). Further, claims 7 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cline in view of *Digital Flashing Tomosynthesis: A Promising Technique for Angiocardigraphic Screening* (Stiel). In response, claims 1 and 9 have been amended for clarification. Claims 1 and 9 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Thus, no new issues requiring a search have been introduced and entry of the present amendment is respectfully requested. It is respectfully submitted that claims 1-7 and 9-10

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are patentable over Cline and Stiel for at least the following reasons.

Cline is directed to a system and method for displaying surgical cuts in three-dimensional models. As shown in FIG 2, and recited throughout Cline, such as the abstract, and page 3, line 1, a user selects the clip box 208 by selecting model cut planes 206 themselves.

In stark contrast, the present invention as recited in amended independent claims 1 and 9 requires, amongst other patentable elements, that "said first clipping plane is moved to form said second clipping plane." This feature is nowhere taught or suggested in Cline. Stiel is cited to show other features and does not remedy this deficiency in Cline.

In fact, Cline teaches away from moving the first clipping plane to form the second clipping plane, since the Cline model cut planes 206 remain fixed, as specifically recited on column 4, line 35. Any disclosure or suggestion of a movement in Cline is related to the model 2, not the cut planes 206, as specifically recited on column 4, line 36.

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Accordingly, it is respectfully submitted that independent claims 1 and 9 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-7 and 10 should also be allowed at least based on their dependence from independent claims 1 and 9.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

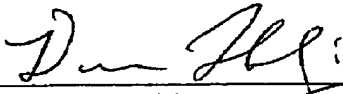
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It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Respectfully submitted,

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